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OFFICIAL REPORT
(HANSARD)

Wednesday, September 19, 2018

The Honourable GEORGE J. FUREY,
Speaker

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(Daily index of proceedings appears at back of this issue).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Wednesday, September 19, 2018

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

POWLEY DAY

Hon. Yvonne Boyer: Honourable senators, today I rise in this chamber to celebrate Powley Day, an annual celebration for the citizens of the Métis Nation of Ontario. Fifteen years ago today, the Supreme Court of Canada, in a unanimous judgment, formally recognized and affirmed the Metis right to harvest under section 35 of the Constitution Act, 1982.

This historic event was made possible by the extraordinary courage and resolve of Steve and Roddy Powley, members of the Metis community in Sault Ste. Marie, Ontario.

In 1993, the Powleys were charged by conservation officers with hunting moose without a licence and the unlawful possession of moose contrary to Ontario's Game and Fish Act.

The Powleys contested these charges, and when their case came before the court, the trial judge declared that Steve and Roddy had a Metis right to hunt, and that this right was protected by section 35 of the Constitution Act.

This decision was upheld by both the Ontario Superior Court of Justice and the Ontario Court of Appeal, before ultimately arriving at the Supreme Court of Canada.

In confirming the trial judge's decision, the Supreme Court formally recognized the existence of a rights-bearing Metis community in Canada as one of the Aboriginal peoples in Canada, as articulated in section 35 of the Constitution Act, 1982. The court's decision also acknowledged that protecting and valuing Metis traditional practices is important to the preservation of Metis identity and culture.

Steve and Roddy's efforts secured a victory, not only for themselves but for all Metis people in Ontario and across the Metis homeland. This truly was a watershed moment.

In recognizing Powley Day, we reflect not only on the successes of the past but also the great deal of work that remains to be done to continue to secure the full recognition of Metis rights.

I would like to ask you to join me in celebrating the fifteenth anniversary of Powley Day, and in doing so, also recognize Brenda, Kim and the whole Powley family for their contribution to creating a more just and inclusive Canada. *Meegwetch.* Thank you.

NORMAN BRUCE "IKE" BUCHANAN

INDUCTION TO ROYAL MILITARY COLLEGE WALL OF HONOUR

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I was honoured this past weekend to attend the Wall of Honour Ceremony at the Royal Military College of Canada in Kingston, Ontario, during which New Brunswick's own Lieutenant-Colonel Norman Bruce "Ike" Buchanan was inducted.

This honour was richly deserved. Lieutenant-Colonel Buchanan was a graduate of the Royal Military College, and thereafter he served with distinction during the Second World War. He served in North Africa, in Italy and in France during the D-Day invasion of Normandy. During his service, he was awarded the Military Cross for acts of extreme gallantry during active operations against the enemy. Later on he received another Military Cross, which is shown as a bar on his first Military Cross, and, believe it or not, honourable senators, he ultimately received a third Military Cross for acts of exemplary gallantry during active operations against the enemy. He was personally presented with the Military Cross with two bars by King George VI. In effect, three Military Crosses for his actions during the Second World War.

The citations for each of these awards are impressive. "His example throughout was a source of inspiration to his men," reads the first. The citation detailing his actions at Normandy reads, "During these four days, Captain Buchanan's coolness, drive and utter disrespect for his own safety was an example to all. . ." It is no wonder he was such a valuable officer and so decorated for his service.

I would like to note that only 18 Canadians have ever received the Military Cross with two bars — in other words, three Military Crosses — and he is the only Canadian artillery officer to be awarded this distinction during the Second World War.

After the war, Mr. Buchanan's sense of duty and responsibility brought him to the New Brunswick legislature, first as a backbencher and later as the Minister of Lands and Mines.

After his stint in provincial politics, he was elected as a councillor in his hometown of St. Stephen, New Brunswick, and then as mayor in 1965.

Sadly, Mr. Buchanan passed away in 2008, but his daughter Gale MacDonald, her children and grandchildren were on hand for the ceremony at the Royal Military College this past weekend. It was a great privilege for me to be there as well to pay homage to a great Canadian and a fellow New Brunswicker.

[*Translation*]

THE LATE DANIEL PILON

Hon. Jean-Guy Dagenais: Dear colleagues, just a few days after the Senate adjourned in June, a great Canadian and Quebec actor, Daniel Pilon, passed away. He succumbed to his illness on June 26 in Montreal.

Since I knew him a little — more on that later —, I would like to take a few moments today to pay tribute to him in this chamber.

I'm sure everyone here is familiar with the well-known American television series "Dallas." In the mid-1980s, Daniel Pilon portrayed a villainous tycoon named Renaldo Marchetta on that show, a role that catapulted him to international stardom. Mr. Pilon made a home in Hollywood, living out the dream of many Canadian actors at the time, and became a fixture on our television screens, appearing on daily soaps such as "Days of Our Lives," "Ryan's Hope," and "Guiding Light."

Daniel Pilon and his brother Donald were discovered together by filmmaker Gilles Carle, who was looking for two brothers to appear in one of his productions. They were working at Expo 67 at the time. Pilon worked with Gilles Carle on movies such as *Red*, in which he played a Metis man wrongly accused of murder.

Before Daniel Pilon made it big in the United States, his talent was discovered by the British. Those who knew him know that he certainly had the same build and elegance as they do. In fact, he was even considered for the role of famous secret agent James Bond.

In 1986, he was cast as Captain Allwood in a war film called *Play Dirty*. Thanks to his strong presence, he was selected to play premiers in two television series by Réjean Tremblay: "Scoop" and "He Shoots, He Scores." Apparently the producers even ran it by Robert Bourassa when they were considering Daniel Pilon for the roles.

In 1994, Daniel Pilon returned to Quebec after a natural disaster made his $1.3-million California home uninhabitable and the insurance companies refused to cover the damage.

• (1410)

Daniel Pilon did not let his phenomenal success go to his head. He was always polite and reserved. I know this first-hand because I met him in late 2011. How did I get to know Daniel Pilon? I'm so glad you asked. I got to know him because Quebec's 24 senators are victims of discrimination. Unlike senators from the rest of Canada, Quebec senators must be property owners in their assigned district before they can be appointed. All other Canadian senators need only be residents of their province or territory.

My district is in downtown Montreal, where there is no such thing as cheap, vacant lots. As such, there was no way I could buy property for a few thousand dollars to comply with an archaic rule that still applies, so I bought a condo to satisfy the requirement, and my renter was none other than Daniel Pilon. I enjoyed every one of my encounters with him, and that's why I wanted to pay tribute to him today.

That being said, allow me to share the following observation. In this day and age, we are each in our own way fighting to end all forms of discrimination in this country. I am astounded that nobody is doing anything to end this form of discrimination against Quebec senators that has been on the books for 150 years.

[*English*]

SPECIAL OLYMPICS

FIFTIETH ANNIVERSARY

Hon. Marty Deacon: Honourable senators, colleagues and friends, as we return to the Senate and watch the summer wind down, I'm happy to share with you a celebration of the summer that will continue throughout the year. Today we celebrate the fiftieth anniversary of the Special Olympics movement.

You may recall the worldwide festivities that occurred this past July celebrating the Special Olympics. Iconic landmarks like the CN Tower and the London Eye were lit up in red. July 21 was declared the Global Day of Inclusion in support of the Special Olympics. To mark this event, Tim Hortons sold a red doughnut designed by Special Olympic athlete Savannah Lussier from Grande Prairie, the proceeds of which were sent to the Special Olympics. I was thrilled to catch our own Senator Munson on the news celebrating with athletes as well.

Colleagues, the Special Olympics transforms lives, not only by developing sports skills and providing health benefits but also by teaching life skills, values, discipline, socialization and inclusion. Whether it is playing a favourite sport or giving a speech in public, every challenge requires the same strength, determination and confidence.

I am so personally proud to remind you that a Canadian, Dr. Frank Hayden, played a vital role in the creation of the Special Olympics. Dr. Hayden, my professor way back during my McMaster undergraduate days, was a research leader on individuals with intellectual disabilities. His work caught the attention of Eunice Kennedy Shriver, who invited Dr. Hayden to Chicago to organize the first Special Olympics Summer Games with the Kennedy Foundation in 1968. That year, Dr. Hayden invited a small Toronto floor hockey team to compete, the only other athletes competing with 1,000 American competitors.

Today, not too much later, 172 countries participate in the Special Olympics. This impacts more than 5 million individuals with intellectual disabilities. Nearly 50,000 of these athletes are Canadian children, youth and adults participating in approximately 5,800 community-based sports programs delivered across Canada. These numbers are significant, something Canada should be very proud of.

Honourable senators, our Canadian athletes and coaches will soon be competing in the Special Olympics World Summer Games in Abu Dhabi. Let us support these fine young people, their families and volunteers in this life-influencing time and opportunity.

EAST COAST TRAIL

Hon. Fabian Manning: Today I'm pleased to present Chapter 37 of "Telling Our Story."

Newfoundland and Labrador is well known for its gorgeous landscapes and scenic seashores. Home to Cape Spear, the most easterly point in North America, we are blessed with an unobstructed view of the vast and breathtaking Atlantic Ocean, along with her diverse ecosystem of humpback whales, Atlantic puffins, among many other awe-inspiring and rare creatures.

This tremendous scenery is captured in the 300 kilometres of wilderness paths collectively known as the East Coast Trail. Winding through 30 historic communities along the Avalon Peninsula, the footpaths extend as far north as Cape St. Francis and as far south as Cappahayden.

Created in 1994, the trail is constantly being improved and upgraded thanks to the dedication of the East Coast Trail Association, a largely volunteer-based operation, who maintain and develop the paths. In a very short period of time, the East Coast Trail has developed into a jewel in the crown of our province's tourism industry, attracting outdoor enthusiasts from all over the world.

The trail passes by many incredible natural landmarks, such as a geyser known as "the Spout," created by waves pounding along the rocky coast, as well as a massive sea arch and vast fjords. Icebergs are also a common sight along the trail. A 50-metre suspension bridge overlooks a small bay near the abandoned settlement of La Manche, a region named around 400 years ago by French sailors who are believed to have used the cove to hide from English ships in the 17th century.

The trail also brings hikers to a coastal lagoon known as Freshwater Bay, the final resting place of the rusted remains of the shipwrecked *SS Thetis*. The *Thetis* was used as a rescue vessel in the 19th century, when it saved seven explorers stranded in the Arctic. In addition, several historic lighthouses are located along the trail, as well as other historic sites and settlements.

The East Coast Trail has garnered worldwide attention for its unique attractions and wildlife. *National Geographic* named the East Coast Trail as one of the best adventure destinations and the Avalon Peninsula as the best coastal destination worldwide.

This trail displays our province's rugged beauty, its rocky shorelines, sprawling cliffs, roaring waves and its rich cultural history, with abandoned settlements of European immigrants from centuries past, old shipwrecks and lighthouses, as well as the vibrant coastal fishing villages that many Newfoundlanders are so privileged to call home. It is a wonder to behold. The success of the East Coast Trail is owed to the hardworking volunteers of the East Coast Trail Association, as well as the tremendous citizens of Newfoundland and Labrador, who make this province so welcoming and memorable.

If you are an avid hiker and love adventure and crisp, clean air in your lungs, the East Coast Trail is waiting for you. Even if you are prepared to "go the distance" or want to break it down to a short hike, the beautiful and rewarding experience of the East Coast Trail should definitely be on your bucket list.

[*Translation*]

ROUTINE PROCEEDINGS

STUDY ON FEDERAL ESTIMATES GENERALLY

THIRTY-SECOND REPORT OF NATIONAL FINANCE COMMITTEE DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Percy Mockler: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on January 27, 2016, and June 20, 2018, the Standing Senate Committee on National Finance deposited with the Clerk of the Senate on July 31, 2018, its thirty-second report (interim) entitled *The Phoenix Pay Problem: Working Toward a Solution*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Mockler, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON SEPTEMBER 25, 2018

Hon. Diane Bellemare (Legislative Deputy to the Government Representative): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, September 25, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

• (1420)

[*English*]

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, September 25, 2018, at 2 p.m.

GIRL GUIDES OF CANADA BILL

PRIVATE BILL—FIRST READING

Hon. Mobina S. B. Jaffer introduced Bill S-1002, An act respecting Girl Guides of Canada.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(Bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

[*Translation*]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

SUB-COMMITTEE ON FUTURE SECURITY AND DEFENCE CAPABILITIES, SEPTEMBER 11-14, 2017—REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Canadian NATO Parliamentary Association respecting its participation at the meeting of the Sub-Committee on Future Security and Defence Capabilities, held in Seoul, Republic of Korea, from September 11 to 14, 2017.

[Senator Bellemare]

[*English*]

INTER-PARLIAMENTARY UNION

ANNUAL PARLIAMENTARY HEARING AT THE UNITED NATIONS, FEBRUARY 22-23, 2018—REPORT TABLED

Hon. Salma Ataullahjan: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Inter-Parliamentary Union respecting its participation at the Annual Parliamentary Hearing at the United Nations held in New York, New York, United States of America, on February 22 and 23, 2018.

QUESTION PERIOD

PUBLIC SAFETY

ORAL FLUID DRUG SCREEN DEVICES

Hon. Larry W. Smith (Leader of the Opposition): I have some land if anyone wants to buy it, a nice wooded lot, 16,000 square feet, very inexpensive taxes. For any senators outside the province, it would be great. I don't want to solicit openly, but — sorry, Your Honour. I had a mindset lapse.

My question is for the government leader concerning the marijuana legislation, which will be legal in Canada four weeks from today. About three weeks ago, the Minister of Justice announced the approval of the first and only oral fluid drug screening device for use by law enforcement. However, it was reported yesterday evening that most of the largest police forces across our country have not ordered this device for a variety of reasons. For example, right here in the City of Ottawa, the police service has stated that they have not yet ordered this device due to concerns over its accuracy in our cold climate, its number of false negative and false positive readings, and its high cost.

Just for the record, this concern was brought up during our evaluation and deliberation of Bill C-45. When ministers or government representatives were asked about not having a testing device in place, it was said, "We will get it done."

With legalization getting closer by the day, what assurances can the government give Canadians concerned about drug impaired-driving when these detection devices will not be in wide use?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I won't react to his preamble of offering the sale of his woodlot.

With respect to the preparations that are under way across the country with regard to implementation of the cannabis bill, the government has, as the chamber will well know, invested some $274 million in support of enforcement and police activity. That activity is for the devices, including the devices referenced in the

question. The government is working actively with police forces across the country, including, of course, the RCMP, to ensure that, as we get towards enforcement, we have the capacity and the capacity grows over time, as was expected.

We are in some respects dealing with the consequences of having Bill C-46 — I wouldn't say delayed — not passed in as timely a fashion as might have been helpful to ensure the capacity building across the country which was made consequent to the bill being passed. However, I am confident, as is the government, that law enforcement officials and chiefs of police are working closely together and will have the adequate capacity in place and will build and strengthen that capacity over time.

Senator Smith: Thank you for your answer. I'm trying to allude to the fact that we brought this up earlier during our deliberations, and the idea was having the proper time to execute. There seems to be an execution issue.

One of the other issues is what they call the DEOs, drug enforcement officers. We have approximately 600 trained drug enforcement officers. There is a requirement for over 2,000. How many officers have been trained? Will there be enough come October 17 when marijuana is legalized?

Senator Harder: Again, I thank the honourable senator for his question. I would be happy to find out the specific numbers with respect to the officer training.

There was never an expectation that we would be at 100 per cent capacity on day one of implementation because the training does take time to ramp up. I'm happy to report the state of readiness as we get closer to the implementation date of October 17.

ENVIRONMENT

CARBON TAX

Hon. Denise Batters: My question is for the Leader of the Government in the Senate.

Senator Harder, it seems like a growing number of provinces are not interested in participating in the Trudeau government smoke and mirrors on carbon tax or on Senate appointment panellists. I understand that the Government of Saskatchewan declined to participate in naming that province's two Senate panellists this spring. B.C.'s former Liberal government also refused to participate, as did the Manitoba NDP government. Given the NDP's stance on Senate abolition, I can't imagine that the now NDP governments in B.C. and Alberta named their provincial panellists.

When the federal Liberals rolled out this new appointment structure, the Minister of Democratic Institutions called the provincial territorial panel members, a "key element" of this process. Well, so much for that. This is yet another failure of the Trudeau government. Isn't this further proof that the so-called new, independent, arm's-length Senate appointment process is just a facade and all decisions continue to be made in the office of Gerry Butts?

Hon. Peter Harder (Government Representative in the Senate): No.

• (1430)

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Douglas Black: My question is also for the Government Representative in the Senate, and it relates to the Trans Mountain pipeline project.

First of all, I'd like to observe that the Senate has been a leader in this country with respect to the Trans Mountain pipeline, and I can tell this house that the people of Alberta are deeply grateful for the leadership and support that this house has shown to the Trans Mountain project. The leadership both on the debate and on Bill S-245 has been seen as helpful.

Leader, we know that S-245 is lingering in the House of Commons. We also know from public disclosures on behalf of Kinder Morgan that if S-245 had been passed, that would have answered what Trans Mountain wanted. They wanted legal certainty; they didn't want to sell the pipeline. But the Government of Canada has bought the pipeline, and we now have a pipeline that we cannot build.

Endeavouring to be constructive one more time, I sent a letter to the Prime Minister on September 4 outlining the constructive road map to be followed by his government to get the Trans Mountain project activated and moving. It's clear, it's succinct, and it has received wide coverage, and undoubtedly you have seen it as well.

I will simply ask you: When can I expect a response to the letter, and when can Albertans and Canadians expect some action on this pipeline?

Hon. Peter Harder (Government Representative in the Senate): I thank my honourable friend for his question, and on behalf of all senators, I'm sure, I want to applaud the action and activities of honourable senator in support of the pipeline.

I do not view the question as difficult or, frankly, hostile at all. I would also point out that the government has taken action with respect to the pipeline. That action was, of course, the purchase of the pipeline and the statements made by the Prime Minister and other key ministers that the pipeline will get built.

With respect to the specific question, I will give the answer I gave yesterday: The government has indicated it will be making an announcement soon with respect particularly to the consequences of the decisions in court.

As to the personal correspondence, I will make inquiries.

[*Translation*]

CANADIAN HERITAGE

RESTORATION OF THE WALLS OF QUEBEC CITY

Hon. Ghislain Maltais: Honourable senators, my question is for the Government Representative in the Senate. Everyone in this chamber knows that the only fortified city in Canada is Quebec City. The French were the first to begin building its ramparts, and construction continued under English rule. The fortification was tested only once, on December 31, 1775, to thwart the American invader General Montgomery. On December 31, Montgomery is reported to have said that he would dine New Year's Day in Quebec or in hell. He dined in hell.

Honourable senators, Quebec City is not a peninsula. It's a peak, a cape built on a rock, Cape Diamond. When the French and English built the walls, they used Sillery sandstone quarried just a few dozen meters away. The Canadian Forces and Canadian Heritage have decided to restore and replace the stone, which is a good thing. The problem is that they went and sourced stone from Pennsylvania, when the original material can be found just a few dozen meters away. Why go all the way to Pennsylvania? Please explain that.

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his questions, as I always do. I'm reminded that one of the first times I responded to his question, he reminded me that he had the answer that I didn't have, so I'll be cautious in my response.

Let me thank him for the history lesson he has given all of us. I will endeavour to find the answer to the question he has posed and report back.

[*Translation*]

Senator Maltais: When you look into this, Senator Harder, don't forget that procuring stone from Pennsylvania means getting it across the U.S. border and paying a 20 per cent tariff when the very same stone can be found just a few dozen meters from the existing walls. Can you ask the Canadian Army and Canadian Heritage to explain this and to consider the study by the Laboratoires d'expertises de Québec, which states that these stones fall short of current construction standards? Thank you.

[*English*]

Senator Harder: I will do so.

[*Translation*]

PUBLIC SAFETY

YOUTH PROSTITUTION

Hon. Pierre-Hugues Boisvenu: My question is for the Government Representative in the Senate. Over the past decade or so, Canada, Quebec in particular, has seen a disturbing rise in child prostitution. Our government adopted a national plan to deal with human trafficking in order to address this problem. The action plan included a lot of measures related to police action and awareness-raising for young girls and border officers in order to address this scourge.

My office looked into it a few weeks ago and discovered that your government did not renew the action plan in 2017. What is more, the government no longer has an action plan to protect young girls who are victims of child prostitution and sexual exploitation. My question is the following: Is your government concerned about the sexual exploitation of young girls? Does your government intend to adopt a plan to reduce this crime that is increasing by 5 per cent every year, meaning it has doubled over the past decade?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I want to thank the honourable senator for his question and want to assure him and all senators that this government takes the issue of juvenile prostitution very seriously. I will make specific inquiries with respect to the plan to which the senator has referred and will be happy to report back, but I want to assure him and all Canadians that this is a matter of great importance.

[*Translation*]

Senator Boisvenu: A few weeks from now, the position of Ombudsman for Victims of Crime will have been vacant for a year. It took the federal government two weeks to fill the position of ombudsman for federal offenders. The Ombudsman for Victims of Crime is very important for victims of human trafficking, who rely on the ombudsman to tell the government what it is failing to do to protect them.

Will the Government Representative in the Senate ask the Minister of Justice to work just as hard to appoint an Ombudsman for Victims of Crime, a position that has been vacant for a year, as she did to appoint the Correctional Investigator, which took just two weeks?

[*English*]

Senator Harder: I would be happy to discuss the matter with the minister concerned.

[*Translation*]

VETERANS AFFAIRS

POST-TRAUMATIC STRESS DISORDER

Hon. Jean-Guy Dagenais: My question is for the Government Representative in the Senate. Last month we learned that Veterans Affairs is paying for PTSD treatment for a veteran's son who was found guilty last year of the murder of Catherine Campbell, an off-duty police officer.

The murderer says that he suffers from PTSD as a result of the terrible crime he committed. While the murderer is receiving treatment, veterans across Canada are still waiting for mental health support from Veterans Affairs. Last month, the minister stated that he would look into how and why the department arrived at this scandalous decision, but he has not yet followed through on that commitment. Can the Government Representative in the Senate ask the Minister of Veterans Affairs to provide a detailed explanation and the list of criteria used to authorize treatment for this murderer?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I would be happy to do so.

[*Translation*]

Senator Dagenais: Can the Government Representative also inform us how often, in the past three years, Veterans Affairs has covered the cost of treatment for individuals found guilty of the most heinous crime?

[*English*]

Senator Harder: Again, I will seek an answer to the question.

FUNDING AND SERVICES

Hon. Paul E. McIntyre: My question is for the Leader of the Government in the Senate, and it concerns the Department of Veterans Affairs' funding and services.

During the last federal election, the government leader may remember that his party promised that it would not allow funding to lapse at Veterans Affairs Canada. However, the opposite has occurred; since coming to office, the current government has allowed hundreds of millions of dollars to lapse at that department, including almost $150 million in the past fiscal year.

• (1440)

Why has the government changed its position on lapsed funding at the Department of Veterans Affairs, and what is its explanation for this change in position?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I think the important answer to give is that the government has increased, by $10 billion over three years, funding for Veterans Affairs, which allows the government to return the level of service that was cut in previous budgets, including service offices across the country and the like.

The Minister of Veterans Affairs was here late last spring, just before we rose, and described how that money was being invested to ensure that our veterans are treated — as we would all would wish them to be treated — with appropriate and timely services and support from the Government of Canada. That is the support that extra $10 billion has provided and the policy consequences thereof.

Senator McIntyre: I thank the honourable leader for his answer. However, the problem is that the hundreds of millions in lapsed funding at the Department of Veterans Affairs follows the latest reports from the Veterans Ombudsman, Guy Parent. His findings show that the francophone veterans are waiting longer than anglophone veterans for decisions on their disability benefit applications. As a matter of fact, the average wait for anglophone veterans is 24 weeks while the average wait for francophone veterans is 45 weeks. As well, the ombudsman found that delays were longer for women than men. The report states that the median time for a decision for men is 24 weeks for men but 31 weeks for women.

Could the government leader please tell us whether the government accepts the findings of the Veterans Ombudsman? If so, does it intend to treat all groups of veterans equally and improve disability benefit wait times for all veterans?

Senator Harder: Again, I thank the honourable senator for his question and his attention to these issues. I will make inquiries of the minister to get a precise answer, but let me say that the government absolutely has officers, such as the ombudsman, to ensure that we always improve our services, and that the problems of service delivery are brought to the attention of the government and the public so that changes can be made. It is in that spirit that the government has acted to improve and enhance the services offered to veterans. It is why the government has invested an additional $10 billion over three years in those services. Is there more improvement to be done? Absolutely, and I will be happy to find the appropriate direct responses to the questions for the honourable senator.

[*Translation*]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

HEALTH—INVESTMENTS FROM TAX HAVENS IN CANADIAN CORPORATIONS AUTHORIZED TO PRODUCE CANNABIS

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 80, dated February 27, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, by Health Canada regarding the investments from tax havens in Canadian corporations authorized to produce cannabis.

PUBLIC SERVICES AND PROCUREMENT—BUILDINGS NAMED AFTER WOMEN

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 84, dated March 21, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Downe, regarding buildings named after women.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS—TRAINING FOR DRUG RECOGNITION EXPERTS AT THE RCMP

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 85, dated March 27, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, regarding training for Drug Recognition Experts at the RCMP.

NATIONAL REVENUE—FUNDS FOR THE CRA TO COMBAT TAX EVASION

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 86, dated April 17, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Downe, regarding funds for the CRA to combat tax evasion.

INDIGENOUS SERVICES—INQUEST INTO THE DEATHS OF SEVEN FIRST NATIONS YOUTH

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 88, dated April 26, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Pate, regarding the Inquest into the Deaths of Seven First Nations Youth.

JUSTICE—PRINCIPLES RESPECTING THE GOVERNMENT OF CANADA'S RELATIONSHIP WITH INDIGENOUS PEOPLES

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 90, dated May 22, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Pate, regarding the principles respecting the Government of Canada's relationship with Indigenous peoples.

BORDER SECURITY AND ORGANIZED CRIME REDUCTION—ORAL FLUID DRUG SCREENING DEVICES

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 91, dated May 31, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, regarding oral fluid drug screening devices.

BORDER SECURITY AND ORGANIZED CRIME REDUCTION—DRUG RECOGNITION EXPERTS

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 92, dated May 31, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, regarding Drug Recognition Experts.

PUBLIC SERVICES AND PROCUREMENT—FEDERAL PUBLIC SERVICE EMPLOYMENT

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 97, dated June 13, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Downe, regarding federal Public Service employment.

NATIONAL REVENUE—PROTECTION OF TAXPAYER INFORMATION

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 98, dated June 14, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Downe, regarding the protection of taxpayer information.

JUSTICE—CONSULTATIONS THAT PRECEDED THE TABLING OF BILL C-75

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 100, dated June 20, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, regarding consultations that preceded the tabling of Bill C-75.

JUSTICE—CONSULTATIONS THAT PRECEDED THE TABLING OF BILLS C-74 AND C-51

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 101, dated June 20, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, regarding consultations that preceded the tabling of C-74 and C-51.

NATURAL RESOURCES—COUNTRIES HAVING NATIONALIZED A PIPELINE NETWORK SINCE 1900

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 102, dated June 20, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting countries having nationalized a pipeline network since 1900.

NATIONAL DEFENCE — PURCHASE OF CF-18 FIGHTER AIRCRAFT FROM AUSTRALIA

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 103, dated June 20, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting the purchase of CF-18 fighter aircraft from Australia.

[*English*]

ORDERS OF THE DAY

FEDERAL PUBLIC SECTOR LABOUR RELATIONS ACT

BILL TO AMEND — SECOND READING — DEBATE ADJOURNED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate) moved second reading of Bill C-62, An Act to amend the Federal Public Sector Labour Relations Act and other Acts.

She said: Honourable senators, today I have the privilege of introducing Bill C-62 at second reading. This bill, entitled An Act to amend the Federal Public Sector Labour Relations Act and other Acts, can be highly technical, but it is not necessary to enter into all the details for the moment. This is what I think. In any case, senators, many of my honourable colleagues must have seen the cartoon published by *The Globe and Mail* last September 7. Do you remember? It showed a bear wandering in downtown Ottawa that was tranquilized by reading Senate debates.

This is why, Your Honour, I would ask your permission to call to mind the bear that wandered into downtown Ottawa earlier this month so that it can be tranquilized once again, this time with my speech on Bill C-62. Hopefully not.

[*Translation*]

But to be serious, honourable colleagues, this bill, which is entitled An Act to amend the Federal Public Sector Labour Relations Act and other Acts, will basically restore specific labour relations procedures for federal public service employees to the way they used to be before the passage of certain provisions that were inserted into three budget implementation bills, namely the Economic Action Plan 2013 Act, No. 2, the Economic Action Plan 2014 Act, No. 1, and the Economic Action Plan 2015 Act, No. 1.

• (1450)

[*English*]

The goal of the bill before us today is to re-establish balance in labour relations for public service employees and return them to the state they were in before the adoption of certain legislative provisions contained in three budget implementation bills from 2013, 2014 and 2015.

[*Translation*]

The legislation before us today combines two bills that were introduced by the current government during the Forty-second Parliament, Bill C-5 and Bill C-34, which were introduced on February 5, 2016, and November 28, 2016, respectively. Bill C-5 had to do with public service sick leave and Bill C-34 dealt with collective bargaining and essential services.

Bill C-62 basically combines the proposals from both bills and consolidates the two bills into one so that these measures can make their way through the parliamentary process as efficiently as possible. Bill C-5 and Bill C-34 target the same clientele and reflect the same principle of restoring balance in public service labour relations by amending or repealing statutory provisions set out in budget implementation acts. Essentially, they apply to the public service.

When the current government took office in 2015, it promised to reinstate legislation on working conditions and labour relations in the public service that respect the collective bargaining process, recognize the important role unions play in protecting workers' rights, and promote the growth of the middle class.

[*English*]

Let me be clear that this bill affects only the public service; in other words, the changes in Bill C-62 will affect only public servants and will not have a direct impact on the private sector.

[*Translation*]

Now let's look at what this bill does. I'll come back to the details later.

First, it amends the Federal Public Sector Labour Relations Act to restore the procedures for the choice of process of dispute resolution including those involving essential services, arbitration, conciliation and alternative dispute resolution that existed before December 13, 2013.

Second, it amends the Public Sector Equitable Compensation Act to restore the procedures applicable to arbitration and conciliation that existed before December 13, 2013.

Third, it repeals provisions of the Economic Action Plan 2013 Act, No. 2 and the Economic Action Plan 2014 Act, No. 1 that are not in force. Those provisions concern the Federal Public Sector Labour Relations Act, the Canadian Human Rights Act and the Public Service Employment Act.

Lastly, it repeals Division 20 of Part 3 of the Economic Action Plan 2015 Act, No. 1, which authorizes the Treasury Board to establish and modify, despite the Federal Public Sector Labour

Relations Act, terms and conditions of employment related to the sick leave of employees who are employed in the core public administration.

Let me begin with changes to the public service sick leave regime, which were passed as part of the 2015 omnibus bill, the Budget Implementation Act.

Division 20 of the Economic Action Plan 2015 Act, No. 1, which was known as Bill C-59, gave Treasury Board the following powers: to establish and modify terms and conditions of employment related to the sick leave of employees; to establish a short-term disability program for employees without going through the collective bargaining process; to modify certain provisions of long-term disability programs in the core public administration; and to take away accumulated sick leave.

These changes were enacted despite the historic 1967 legislation that gave public servants the right to unionize and negotiate collective agreements.

In a nutshell, the amendments that received Royal Assent in June 2015 took away the unions' ability to negotiate sick leave and gave the government the power to unilaterally impose any regime it saw fit. Bargaining agents for most public service unions strongly opposed these amendments, which were drafted without consultation. In June 2015, 12 of the 15 unions representing federal public servants filed a joint lawsuit to challenge these provisions, arguing that they were unconstitutional.

Bill C-62 aims to remove unilateral powers from the government when it comes to sick leave and to demonstrate respect for the collective bargaining process by sending these issues back to the negotiating table.

The current government believes that unions have an important role to play not only in protecting workers' rights, but also in strengthening the middle class by negotiating working conditions and compensation. That is why it committed to not using its unilateral powers to amend sick leave and repealing the legislative provisions that gave it those powers.

Let's move on to the Federal Public Sector Labour Relations Act. With Bill C-62, the government also wants to repeal the amendments made to the public service labour relations regime under another act. Bill C-62 would repeal the most controversial amendments made to the Federal Public Sector Labour Relations Act in 2013.

I am referring to amendments that allowed the employer to unilaterally designate what services are essential, take away the right of bargaining agents to choose the method of dispute resolution, and impose specific elements, namely recruitment needs and Canada's fiscal circumstances, that arbitrators had to take into account before making a recommendation or award.

[Senator Bellemare]

[*English*]

With Bill C-62, the employer will no longer be able to unilaterally designate what services are essential, choose the method of dispute resolution or impose specific elements that arbitrators should take into account before making a recommendation or decision.

• (1500)

[*Translation*]

Let's not forget that a number of unions filed Charter challenges against the provisions that were adopted in 2013. There is reason to believe that these challenges would have been upheld by the courts. In 2008, the Government of Saskatchewan made similar changes to those that were in the 2013 bill. These changes were successfully challenged in the Supreme Court by the Saskatchewan Federation of Labour.

I would now like to turn to the major changes proposed in Bill C-62 concerning essential services, collective bargaining, and dispute settlement.

First, the notice to bargain will be changed back to four months' notice; the parties may, however, meet beforehand to enter into negotiations.

Second, dispute resolution will be restored to the way it was before the changes were made in 2013. Should negotiations come to a standstill, the bargaining agents will be able to choose the method of dispute resolution, meaning either the conciliation/strike route or arbitration. The changes made in 2013 took away the arbitration option from the unions.

Third, with respect to the preponderant factors that arbitrators had to take into account when making awards or recommendations, public interest commissions and arbitration boards would no longer be required to give undue weight to certain factors. Under the current system adopted in 2013, they must give greater weight to two factors: recruitment and retention, and Canada's fiscal circumstances. With the bill being debated today, these would only be two of the factors that a third-party decision maker would have to take into account. It would be up to the decision maker to determine how much weight to give to each factor.

However, the employer would still have the right to present arguments about the state of the Canadian economy and the need to recruit and retain competent individuals for the public service in order to meet the needs of Canadians. These are some of the criteria that can be debated before a public interest commission or an arbitration board, and the members of these commissions and boards have the flexibility to decide how much weight should be given to these factors.

Fourth, with respect to essential services, the employer would no longer have unilateral powers to decide which services are essential to public health and safety and to designate positions as being necessary to provide these services. Under the current system, the employer has the exclusive right to designate essential services.

Bill C-62 would change that and restore the previous system, which allowed bargaining agents to represent the interests of employees through negotiations.

[*English*]

As was the case before the legislative changes introduced in 2013 with Bill C-62, the employer will work with negotiators to designate which positions are necessary to provide essential services and will reach agreements about essential services with them.

[*Translation*]

These agreements would identify the types and number of positions in the bargaining unit that are necessary for the employer to provide essential services. Under the system that Bill C-62 would restore, the Treasury Board Secretariat, as the employer of the core public administration, would be responsible for providing advice and guidelines to representatives of the organizations; reviewing, at an organization's request, any positions in dispute; negotiating essential services agreements at the national level; asking the Public Service Labour Relations Board to intervene in unresolved cases and provide representation; and maintaining a central database of positions identified as essential so that employers are able to maintain essential services.

Lastly, Bill C-62 seeks to repeal the amendments made to the recourse procedures, even though these amendments never came into force because they were meant to be implemented at a later date.

That is Bill C-62 in short.

Dear colleagues, I am leading off the debate today to pass Bill C-62 at second reading. I want to remind our new colleagues that, at this stage, debate generally focuses on the principles and merits of the bill. It focuses on the general thrust of the bill. We are looking to answer the following questions. Is this bill a good bill? What are the underlying principles of the bill? Why did the government introduce this bill?

Second reading is not the time to get into the nitty gritty of the bill, nor is it the time to propose technical amendments. It is the time when we try to understand the issues related to the bill, adopt it in principle and refer it to a committee for a more detailed study.

[*English*]

So we must ask ourselves, is this bill sound in principle?

Its goal is to re-establish good-faith negotiations between the public service and the government as employer.

The government is determined to re-establish a culture of respect for federal public servants within the public service and respect the collective bargaining process.

Let me repeat: Bill C-62 is about restoring — there's no change — the system of collective bargaining and the role of the employer that existed before 2013. That has been the case since 1967.

[*Translation*]

In the context of the recent negotiations with the public service unions, the government already reaffirmed its strong commitment to negotiating in good faith. When the government came to power in 2015, all the public service collective bargaining agreements had expired. The government made it clear that it intended to work collaboratively with public servants and negotiate in good faith. After two years of respectful negotiations, the government has been able to sign agreements with more than 99 per cent of unionized public servants employed by the Treasury Board.

I want to mention that several of these agreements include a framework for developing an integrated approach to employee wellness management. This new approach is going to become more of a reality in the future. It's designed to enhance employee wellness, which in turn will improve service delivery to the public. Employees who are in good physical and mental health are better equipped to meet Canadians' expectations and avoid mistakes.

• (1510)

[*English*]

Bill C-62 takes us closer to the culture that the government wants to undertake with its employees. This cultural shift is, without a doubt, the result of better collaboration in terms of labour relations.

Bill C-62 is also based on an approach based on the principle of fundamental fairness, insofar as it corresponds to the re-establishment of specific labour relations conditions, inseparable from the right of association enshrined in the Constitution.

[*Translation*]

In conclusion, I strongly support this bill, because it restores the public service labour relations regime that existed before these amendments were adopted. The system worked well and could serve as a model for the private sector. The changes made in the Forty-first Parliament changed the rules in favour of the employer at the expense of employees and their bargaining agents, which upset the balance that had been in place for years.

[*English*]

Bill C-62 will allow us to re-establish labour relations between employer and employees based on the concept of fairness, where the employer and unions both contribute in important ways to ensure that the workers are treated fairly, that they work in healthy and secure workplaces, that they earn a decent living and, in particular, that they deliver quality services to all Canadians.

Indeed, the public service deserves respect for the important services they provide to Canadians. I can't list them all, but we know everything the functions do.

[*Translation*]

For all these reasons, I urge you to ensure swift passage of Bill C-62 at second reading and to send it to committee as soon as possible.

Thank you for your attention.

[*English*]

The Hon. the Speaker: Senator Martin, did you wish to ask a question?

Hon. Yonah Martin (Deputy Leader of the Opposition): Yes, please, Your Honour.

Senator Bellemare, I know that labour relations and all related matters are very important for you. You have spoken about that in the chamber.

I listened to your speech, and I agree with many of the principles and goals that we should aim for that perhaps this bill is attempting to address. I feel that where we need to pause and examine carefully is that this bill is taking two previous government bills which we debated, studied at length and aimed to, on principle, strengthen the democracy, the transparency and accountability of the whole regime and the system. That's what we aimed to do, so there were some important debates that took place. This, yet again, is a government bill that isn't a new idea, but it is repealing what has been done. We need to look carefully at what we had before and whether this indeed improves the regime, as you say.

You talk about restoring labour relations, but this bill is taking two previous bills, mixing them and presenting this as a new bill when in fact it repeals two bills. Would you explain how we as a chamber, and how the public, should support a bill that seems to go against the principles of democracy and transparency within the unions? That's what the previous bills aimed to do, is to increase their transparency, accountability and democracy of the regime.

[*Translation*]

Senator Bellemare: I will do my best to answer that very important question. First, let me say that Bill C-62 reintroduces Bill C-5, first introduced in February 2016, and Bill C-35, the labour relations part, also introduced in 2016.

If you have a look at Bills C-5 and C-34, it is quite clear that Bill C-62 reintroduces both bills one after the other, bringing them together in one single bill. The two are joined together, thereby reducing the number of clauses.

The bill pertaining to sick leave was introduced very quickly in February and was never debated. Bill C-62 presents the same level of transparency. It fosters discussion on issues pertaining to the same principles and same target audience, and amends bills that were passed by the previous government.

However, the amendments to public service labour relations that were passed in 2013, 2014 and 2015 were included in the Budget Implementation Act. Those amendments were introduced in omnibus bills and could not be dealt with separately. They were dealt with in the 2013, 2014 and 2015 budgets. At the time, there were two parliamentary groups: the government and the Liberals. The amendments regarding labour relations and sick leave were debated very quickly in committee.

In spring 2015, other bills relating to unions were debated including the infamous Bill C-377 on transparency. Public service unions testified before the Standing Senate Committee on National Finance to plead their case and express their disagreement with the provisions of Budget 2015.

The labour relations regime was overhauled in 2013, not through labour legislation, but through a budget bill. At the same time, public service sick leave provisions were completely changed, not in the spirit of a labour bill, but in the spirit of a budget implementation bill. In that sense, I think that the principle of Bill C-62 holds up very well.

• (1520)

[*English*]

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, I have a couple of questions for Senator Bellemare, but I do want to make sure that our new colleagues aren't misled by my friend Senator Martin, who talked about a debate on the previous bills and made it sound like there was unanimity in this place and that we all supported those bills. There wasn't unanimity, Senator Martin. You know it.

Senator Martin: I didn't say that.

Senator Mercer: This caucus, along with a number of other independents, opposed that legislation, and we continue to oppose it.

I'm pleased to see the legislation before us, but I have a couple of fundamental questions. I'll try to be quick.

First of all, you talked about the right to association as protected by the Charter. That's very important. You talked about collective bargaining rights within the public service. Is this bill aimed at protecting the collective bargaining rights of all public servants?

Senator Bellemare: It aims to protect the rights of all those who are employed by Treasury Board or by distinct organizations such as Revenue Canada and the Canadian Food Inspection Agency, who are distinct employers. But it doesn't include Radio-Canada and Crown corporations. It includes public servant employers that are directly under Treasury Board and those distinct organizations.

Senator Mercer: As the son of a former public servant, I am always conscious that not all the words fit here. There is a group of people not mentioned in this, namely, the members of the Royal Canadian Mounted Police, who currently are not unionized and are not represented by someone of their choice. I want to know that this bill is in no way infringing upon their right to organize, their right to be unionized, their right to a collective agreement and their right to be treated as fairly as other public servants have been.

I'll conclude by saying that I'm very pleased to see this government finally repealing some of the archaic legislation introduced by the previous government.

[*Translation*]

Senator Bellemare: I must say that I am not sure whether this covers those who are still in the process, but I imagine it does. We will look at all the details — which are more than just details to those involved — and then we will be able to answer all these questions at committee and present our findings at third reading.

[*English*]

Hon. Carolyn Stewart Olsen: Senator, I've listened very carefully. You've talked about the change in government attitude, et cetera. Why, then, would we put credibility into that argument when our own security forces in the Parliament of Canada have been without a contract for a good long time and are discussing and mentioned that people are not dealing in good faith with them? All the arguments put forward in this bill that we should support are not being backed up by actual practice by the government. Could you clear that up for me?

Senator Bellemare: What I can say, senator, is that at the beginning of 2016, most employees were without a collective agreement. The collective agreements were expired, or most of them. The government has actually concluded agreements with almost all of the collective agreements, which totalled 99 per cent of employees. Maybe there's one agreement that's not concluded for a small group, I don't know, but they've finished this round of negotiations and are starting another one.

It's going quite well, but they've suspended. They say that, as the employers, they will not apply the rules. They have the choice. For sick leave, and so forth, they didn't change anything.

Senator Stewart Olsen: Senator, I understand what you're saying. I could say it's 2018 now, almost 2019, but I won't.

What I am saying is that these people are tasked with the day-to-day protection of Parliament Hill and our security. I urge you to encourage the government to reflect their new bargaining positions and to bargain in good faith with our security departments and try to get a contract that people can agree with. Would you pass that on to the minister, please?

Senator Bellemare: I'm here to propose Bill C-62 and to see that the bill passes through. I'm not in exchange. If I may, I suggest you ask the question to Senator Harder so that he can pass the message on.

Senator Martin: Before I take adjournment, I just wanted to say for the record that I did not say there was unanimity. I just said we were debating previous government bills. There are two government bills that were referenced. Sorry, Your Honour, I will now adjourn the debate in my name.

(On motion of Senator Martin, debate adjourned.)

ELECTIONS MODERNIZATION BILL

BILL TO AMEND—MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO STUDY SUBJECT MATTER WITHDRAWN

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Mitchell:
>
> That, in accordance with rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject matter of Bill C-76, An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments, introduced in the House of Commons on April 30, 2018, in advance of the said bill coming before the Senate; and
>
> That, for the purpose of this study, the committee have the power to sit even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, pursuant to rule 5-10(1), I ask for leave of the Senate to withdraw Motion No. 193.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(Motion withdrawn.)

INTERNATIONAL MOTHER LANGUAGE DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, for the second reading of Bill S-247, An Act to establish International Mother Language Day.

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak to Bill S-247, An Act to establish International Mother Language Day.

Bill S-247 is a legislative proposal by Senator Jaffer to designate February 21 as international mother language day, noting that English and French are the two official languages of Canada as guaranteed by the Canadian Charter of Rights and Freedoms.

As a multicultural society, Canada recognizes that preserving one's mother tongue is paramount to preserving one's culture. We understand that language supports identity.

• (1530)

When my daughters Shaanzeh and Anushka were children, I was insistent that they learned to speak Pashto, my mother language, which is spoken in both Pakistan and Afghanistan, and Urdu, the national language of Pakistan.

It was important to me that my children be able to express themselves fluently in both languages and be connected with their heritage.

Further, I knew that being multilingual would open doors to educational and professional opportunities in Canada and internationally for my daughters. In Shaanzeh's final year of high school, she performed her volunteer hours at a law firm in Toronto. One day, a lawyer walked into the front office and asked if anyone spoke a language called Pashto. On that day, my daughter was able to facilitate communication and make a client of the firm feel at ease in a way that nobody else who worked there could. That is a valuable asset.

Also, when working at a legal clinic in Toronto, she answered the phone on her very first day to a man with limited English skills. All of a sudden she heard him say to someone in the room with him, in Pashto, "She's a law student, do you think that she knows what she's doing?" Shaanzeh immediately switched to Pashto and assured him that everything that she did for the firm was reviewed by a lawyer of the firm.

For my daughter Anushka, who did her PhD at the University of Alberta, being able to speak our mother tongue presented a unique opportunity for her to do all of the research for her thesis in Pakistan. This is something that never would have been possible without her knowledge of our mother tongue.

My daughters' lives have already been positively impacted in so many ways both here in Canada and abroad as a result of their ability to speak my mother language, and I know that because of this they will ensure that their children are able to do so as well.

In my work as a senator, I often turn to my mother language when travelling throughout Canada. For example, when I am speaking at community events, it is not unusual for me to switch back and forth from English to Pashto to Urdu. I find it a wonderfully powerful way to connect with an audience and, moreover, engage with new immigrants, especially women.

Earlier this year, I hosted an information session on Bill C-45 with a group of television, radio and print news agencies who serve the Pakistani community in Toronto. Throughout that meeting, everyone, myself included, switched back and forth from our mother language and were able to substantively share views and information and ask questions.

I believed it important to meet with ethnic media because of the significant role that ethnic media plays in bringing news to the Canadian immigrant population in Toronto and informing the national discussion. At present, the Canadian Ethnic Media Association lists more than 1,200 outlets operating in Canada. On some radio stations, listeners can hear up to 20 different languages. These stations not only inform listeners, including new immigrants and immigrant senior citizens, but also are a way for parents to teach their children their mother language.

When considering the importance of preserving mother languages, we must consider Canada's Indigenous population and the trend of declining Indigenous languages across the country. Statistics demonstrate that the number of people in Canada who spoke an Indigenous language dropped from almost 26 per cent in 1996 to 14.5 per cent in 2011.

The importance of language in Indigenous communities is critical. It is their identity, their traditions, their ceremonies. Language instructor Sacha Doxtator said mother language ties into everything, and high school student Evangeline John said, "Once the language dies, the culture dies."

Honourable senators, the importance of mother languages cannot be undervalued. The UN Assistant Secretary-General for Economic Development said:

> It is the preservation of invaluable wisdom, traditional knowledge and expressions of art and beauty, and we have to make sure that we do not lose this.

In the last 115 years, the linguistic composition of Canadians with a mother language other than French, English or an Indigenous language has varied considerably. In 2016, 22 per cent of the Canadian population declared a language other than English or French as a mother language. Currently, over 200 languages are spoken in Canada.

Being multilingual is a valuable asset both in Canada and abroad. Canadians should be proud to share their mother languages, celebrate and preserve linguistic diversity.

Honourable senators, I support Bill S-247 and will thank Senator Jaffer for all of her work on this bill in my mother language.

Manana.

(On motion of Senator Martin, debate adjourned.)

STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY

TENTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the consideration of the tenth report (interim) of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled *Decarbonizing Transportation in Canada*, tabled in the Senate on June 22, 2017.

Hon. Yonah Martin (Deputy Leader of the Opposition): With leave of the Senate, I ask for adjournment in Senator Neufeld's name. It is at day 15. I understand he was going to do that himself, but with leave of the Senate I would ask that it be adjourned in his name.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Martin, for Senator Neufeld, debate adjourned.)

[*Translation*]

STUDY ON ISSUES RELATING TO CREATING A DEFINED, PROFESSIONAL AND CONSISTENT SYSTEM FOR VETERANS AS THEY LEAVE THE CANADIAN ARMED FORCES

NINETEENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the nineteenth report of the Standing Senate Committee on National Security and Defence, entitled *From Soldier to Civilian: Professionalizing the Transition*, deposited with the Clerk of the Senate on June 13, 2018.

Hon. Jean-Guy Dagenais moved:

That the nineteenth report of the Standing Senate Committee on National Security and Defence entitled: *From Soldier to Civilian: Professionalizing the Transition*, tabled in the Senate on Wednesday, June 13, 2018, as modified, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Veterans Affairs being identified as the minister responsible, in consultation with the Minister of National Defence, for responding to the report.

He said: Honourable senators, I move the adjournment in Senator Jaffer's name.

(On motion of Senator Jaffer, debate adjourned.)

• (1540)

[*English*]

STUDY ON ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY

TWENTY-SIXTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twenty-sixth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Breaking Down Barriers: A critical analysis of the Disability Tax Credit and Registered Disability Savings Plan*, deposited with the Clerk of the Senate on June 27, 2018.

Hon. Art Eggleton moved:

That the twenty-sixth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Breaking Down Barriers: A critical analysis of the Disability Tax Credit and Registered Disability Savings Plan*, tabled with the Clerk of the Senate on June 27, 2018, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of National Revenue being identified as minister responsible for responding to the report, in consultation with the Ministers of Finance and Families, Children and Social Development.

He said: Colleagues, people with disabilities face many challenges in day-to-day living in our country, whether those are barriers to employment or housing, and transportation issues. The biggest one of them all is financial issues because if people have disabilities, they are twice as likely to be in poverty as people who are not having to deal with disabilities.

There are 3.8 million people in this country with disabilities. This specific report deals with 1.8 million of those. These are 1.8 million people who have severe and prolonged disabilities.

We try to help them from different orders of government — federal, provincial, municipal — in terms of social support programs and also tax breaks. This report is specifically about a tax break called the Disability Tax Credit. It's there to help people with severe and prolonged disabilities. Unfortunately, it doesn't help an awful lot of them. Two thirds of people in that category can't get this Disability Tax Credit. Why would that be? It's simply because they don't make enough money against which to apply the tax credit; they don't have enough income to take advantage of it.

The one third who remain to take advantage of it, who were really the initial subject of this report, were running into problems. The Disability Tax Credit is administered by the Canada Revenue Agency, the tax people. And they do this in accordance with an amendment to the Income Tax Act that

allows for people with severe and prolonged disabilities to qualify for the Disability Tax Credit as long as they have certification by health care professionals.

It also connects into another program that we looked at in this report, and that is the Registered Disability Savings Plan, or RDSP. You can't get the RDSP, which has various components to it, unless you qualify for the Disability Tax Credit. If you do qualify for it, what turns out to be the reality is that only 25 per cent of them actually have it. A lot of people don't seem to know much about it or how it works. That's 25 per cent of the third I talked about in the first statistic. It really has a small takeup.

If for some reason the Disability Tax Credit gets cancelled, that cancels the RDSP. In fact, since the government provides either grants or bonds — please read the report; I don't want to get terribly complicated on this whole matter — the government expects the grants and bonds to be paid back, adding to the financial burden of some of the most vulnerable people in our country.

What triggered this study particularly was the fact that in the last fiscal year, 2016-17, the CRA decided to make changes in how they interpret the application of the law. What was the result? The number of applications they rejected rose by 50 per cent. Some of the people they disqualified suddenly were people who had been on the system for years and the medical personnel were still saying they qualified. But the CRA said they didn't qualify, or so they thought in the first instance.

The Minister of National Revenue then had lots of representation about that and she, the Honourable Diane Lebouthillier, got involved, reviewed the matter and said she felt there were some unintended consequences as a result of this change in interpretation. She asked that all the ones that were rejected be reviewed. That's apparently a process that is still ongoing.

She also re-established the Disability Advisory Committee. There had been one in 2004. It was eliminated in 2006, so she brought it back into existence. Still we have the case where the CRA, the people responsible for enforcing the tax codes, which is a different mindset from operating a social program — in fact, I would like to quote from André Picard, who wrote a column in *The Globe and Mail* supporting our endeavour in this report and at the committee:

> The last people who should be shaping social policies for the most disadvantaged are anonymous accountants in the Canada Revenue Agency.

He wrote:

> . . . pencil-pushers in the CRA have no business second-guessing a medical decision unless there is evidence of fraud.

None of us would disagree with this.

Our committee also got into the action at the time, because many of these organizations — Diabetes Canada, MS Society of Canada, Autism Canada and various other organizations — approached us. Senator Munson recommended to our committee that we have a look at this matter and make representations to the minister.

Let me leap to our recommendations, and I can add further comments as we go. We made 15 recommendations in all. I will not talk about all of them, but I will just mention a few.

First, we recommended that the Minister of National Revenue take steps to ensure the Disability Advisory Committee "better reflects the diversity of the larger disability community including intersectionality."

With regard to the larger disability community, one of things we found with this advisory committee was that organizations such as Autism Canada that deal with neurodevelopmental issues were not represented. You don't have to have every organization, but you need to have every category. One of the problems the CRA seems to have when they're processing these applications is that they have a hard time coming to grips with people with mental issues or neurodevelopmental issues. The program was originally intended more for physical disabilities. The rejection rate for ones that involve mental issues is much higher than the ones for physical issues. Yet the applications coming in over the last few years have had more to do with the former, or a combination of mental and physical issues.

Another category that is not represented here is the MS Society of Canada — episodic disabilities. To qualify for the Disability Tax Credit, you have to have "a severe and prolonged impairment," and "prolonged" means a year. However, some people with episodic ailments, such as multiple sclerosis, for which there is no cure — it's a very serious matter — sometimes they are up and down. Sometimes they are not in a severe condition, but it still impacts their life; you can't just go and get a job for a few months and then you are back on disability. It doesn't work that way as far as the CRA is concerned. There needs to be a broader representation of the community and we said that in recommendation 1.

• (1550)

In recommendation 2, we said that we need to bring into force limiting the fees disability service providers can charge to complete the disability tax credit application.

Now, this is an interesting one because these forms must be certified. They must be filled out by health care professionals, doctors and nurses who get no compensation for that in the health care system. They either do it out of their good graces or they have to pass it on to the client or patient who in fact is applying for the tax credit. These people are very low-income people, as we have talked about already.

Beyond the professional health care people, there are some consultants or companies who will do the forms for you if you give them up to a third of what you are going to get back in taxes. They gouge you for that.

However, legislation was passed by the previous government in 2014. Here we are in 2018, and they still haven't finished the regulations. The regulations are still not in effect. We suggest they'd better get the regulations into effect, but we also suggest

they increase funding to non-profit disability community organizations to help those organizations to be able to volunteer to help people in need with filling out the forms.

Another minister comes into this because it is an Income Tax Act provision that revises the disability tax credit eligibility criteria to be more even-handed in terms of people with mental illness. They are much easier on people with a physical illness in terms of what they have to prove, so we have a recommendation on that.

Recommendation 4 says that the Minister of Finance should revise the credit rules to better recognize the lifelong nature of certain physical and mental disabilities in order to eliminate the need to re-apply for the credit. Every now and then you have to re-apply even though you have a lifelong disability. The medical profession has told them what you have, but they want you to fill out the forms again. We are asking them to be a little more reasonable than that.

Recommendation 5, the applicant should have access to all relevant information. The applicants have been denied and their documents have been denied, too. One the problems is if you get rejected and you want to know why, they don't tell you. They sometimes say they have additional information from somebody, the medical care person perhaps, but they won't give it to you. How do you appeal when you can't get the documentation that would tell you what the basis is to make your appeal?

Another recommendation is that people who do get disqualified, perhaps for a valid reason, that they will not have to give up their Registered Disability Savings Plan because a lot of these people still have difficulties in coping with day-to-day living and need those kinds of savings to help them in future.

I'm not going to go on beyond that too much. Those are more short-term fixes that we think are needed to the system. There are a few others in here. We are almost up to four o'clock which is adjournment time. I do want to mention some longer-term solutions. We have three of them in fact that we suggested.

The first is that the disability tax credit be made a refundable tax credit when it's non-refundable. But as I said, as a result of that, two thirds of people who should be able to qualify can't because they don't have any money to run the tax credit against. Refundable would mean they would start to get money.

We also suggested that since there is such a low take-up in the Registered Disability Savings Plan, we say that the Minister of Families, Children and Social Development should get more involved in all of this and take over some of the responsibilities from the Canada Revenue Agency accountants in terms of the administration of a social service program.

We're saying that the Minister of Families, Children and Social Development should take steps to implement a system of automated enrolment. I think we did that on something else not too long ago in the Registered Disability Savings Plan. Once someone is eligible for the disability tax credit or the equivalent disability welfare benefits of provinces and territories — which we said there should be more harmonization between the provinces and between the programs and federal government — automatic enrolment in the Registered Disability Savings Plan with the monies the federal government adds in either the bond or grant forms should happen automatically.

Finally — this is always a favourite phrase of mine — basic annual income.

The Hon. the Speaker: Senator Eggleton, your time has expired. Are you asking for five more minutes? Is leave granted, honourable senators?

Senator Eggleton: Yes, please.

Hon. Senators: Agreed.

Senator Eggleton: Finally, we said in recommendation 16 that the Minister of Finance should work with the Minister of Families, Children and Social Development to develop a guaranteed basic annual income for Canadians with disabilities. This is something our committee recommended a number of years ago. We think that there are people who are particularly vulnerable in our society who need that kind of assistance, just like our seniors have. Seniors have a basic income program, and I think we should be doing that for people with disabilities.

Colleagues, in summary, what we heard was absolutely deplorable. We need to give better treatment and support to some of our most vulnerable people, those with disabilities. Thank you.

Some Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

BUSINESS OF THE SENATE

SUZIE SEO—REMARKS UPON DEPARTURE

The Hon. the Speaker: Honourable senators, it being almost four o'clock and time for the adjournment, I wish to take a moment to inform colleagues that one of our table officers, Suzie Seo, Assistant Law Clerk and Parliamentary Counsel, is leaving the Senate to take on new challenges with the Office of Legislative Counsel with the Government of British Columbia.

[*Translation*]

Since today is her last day with us, I want to thank Suzie for the diligence and dedication she showed throughout her more than 13 years of loyal service.

[*English*]

On behalf of all senators and staff, I thank you for your professionalism, your dedication and your many years of service to the Senate.

Hon. Senators: Hear, hear!.

The Hon. the Speaker: I wish you all the very best as you take up your new responsibilities in British Columbia.

(At 4 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)

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